

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13277 of HNR Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7202.1) to use all floors of the subject premises as an apartment house consisting of three units in an R-5-D District at the premises 1423 T Street, N. W. (Square 205, Lot 807).

HEARING DATE: July 16, 1980

DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject site is located on the north side of T Street, between 14th and 15th Streets, N. W. and is in an R-5-B District.
2. The subject property is improved with a four story rowhouse structure. The applicant intends to divide the building into three rental units having 796 square feet, 848 square feet and 1,500 square feet, respectively.
3. The subject structure had been vacant for a period of approximately eight years when it was acquired by applicant in March, 1980.
4. The applicant's intended use of an apartment building is permitted as a matter of right in the R-5-B District.
5. The parking regulations for the R-5-B District normally require 2 parking spaces for three units. However, since the applicant's building is a pre-1958 residential structure and would have been required to provide one space for a flat, only one on-site parking space is required at this time.
6. Under the Zoning Regulations, the site could be utilized as a flat without any relief from the Board for on-site parking.
7. The property is improved with a rowhouse and, therefore, has no side yards. The rear yard is thus unavailable for parking since there is no rear access either from a street or alley, and the rear yard is enclosed by adjacent buildings to the east and west.
8. Applicant intends, through an arrangement with the property owner on its northern frontage, to provide three parking

spaces for use of the future tenants of the subject structure on a month-to-month basis. This arrangement will provide two more parking spaces than is required by the regulations.

9. Adequate on-street parking is available within the immediate area of the subject site, as shown by the parking survey submitted by applicant. In addition, the site is well served by public transportation, including the 50, 52 and 54 Metro bus routes.

10. A representative of ANC 1B appeared at the public hearing and submitted a list of persons who were in favor of the application. The ANC did not submit a written statement of its issues and concerns.

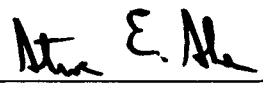
CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the nature of the existing property, without side yards and without access for a car to the rear yard from a street or alley, does create an exceptional condition. The Board notes that the use proposed is permitted as a matter-of-right, and concludes that denial of the application would constitute a practical difficulty for the owner. The Board notes that on-street parking is available in the area, and that the applicant will lease three spaces in garages to the north of the subject site. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune and Charles R. Norris to grant, William F. McIntosh to grant by proxy, Leonard L. McCants not present, not voting).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

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FINAL DATE OF ORDER: 30 SEP 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMEN."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.